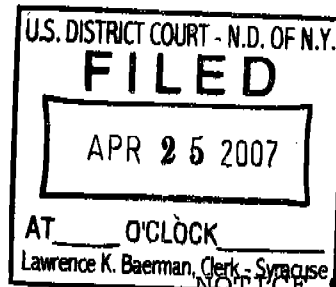


UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK  
MATTHEW JOHN MATAGRANO,  
Plaintiff

-against-

REGINA MILES, MD. et. al;  
Defendants.



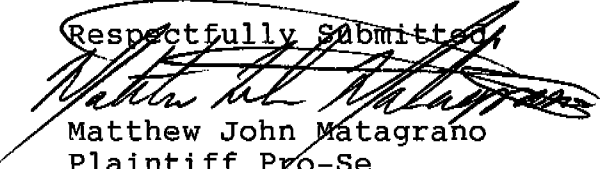
NOTICE OF MOTION TO  
SUPPLEMENT THE  
COMPLAINT  
F.R.C.P. Rule 15(d)

05-cv-1459 (DNH)(RFT)

PLEASE TAKE NOTICE that, upon the annexed affidavit in support, the proposed Supplemental Complaint, and all proceedings previously held herein, the plaintiff Matthew John Matagrano, will move this Court before the Hon. Randolph F. Treece, United States Magistrate Judge, at the United States Courthouse located at 100 S. Clinton Street, 7th Flr, Syracuse New York 13261-7367, on the 29<sup>th</sup> day of May, 2007, at 10:00 a.m. in the forenoon or soon thereafter as movant may be heard for an Order pursuant to Rule 15(d) of the Federal Rules of Civil Procedure, granting plaintiff permission to supplement the pleading in the above-captioned action; and for an Order pursuant to Rule 12(a) (1) of the Federal Rules of Civil Procedure, directing defendant's to answer the Supplemental complaint, and For Such other and Further Relief as this Court deems Just and Proper.

Dated: April 2, 2007

Respectfully Submitted,

  
Matthew John Matagrano  
Plaintiff Pro-Se  
Wende Correctional Fac.  
Po. Box 1187  
Alden, N.Y. 14004-1187

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK  
MATTHEW JOHN MATAGRANO,

Plaintiff,

-against-

REGINA MILES, MD., et. al;  
Defendants

AFFIDAVIT IN SUPPORT  
MOTION TO SUPPLEMENT  
THE COMPLAINT  
RULE 15(d) F.R.C.P.

05-civ-1459 (DNH)(RFT)

STATE OF NEW YORK)  
COUNTY OF ERIE) ss:

I, Matthew John Matagrano,, being duly sworn to  
deposes and says that:

1) I am the pro-se plaintiff in the above-captioned  
action and make this affidavit in support of a motion to  
supplement the amended complaint filed on September 5, 2006,  
, pursuant to Rule 15(d) of the Federal Rules of Civil Procedure  
and for an Order directing the defendants to answer the \_\_\_\_\_  
supplemental complaint pursuant to Rule 12(a) (1) of the Federal  
Rules of Civil Procedure.

2) That I am familiar with all the proceedings  
previously held herein.

3) That the granting of plaintiff's within motion  
would not overly burden the defendants, is made in good faith  
, and in no way intended to harass them.

4) That plaintiff seeks to file a supplemental  
complaint, instead of a third amendment , because plaintiff  
does not seek to name new defendants, nor does he seek to change  
any jurisdictional or cause of action claims. He does seek to  
further the record of the pleading by adding additional  
allegations that could not of been done at the time of the filing

of the Second Amended Complaint.

5) That two previous applications for the relief herein requested were made on December 2, 2005, and granted by this Court on April 21, 2006; and On or about May 15, 2006, an application was made to supplement which was withdrawn by the plaintiff, with permission of the Court on July 25, 2006.

W H E R E F O R E , plaintiff herein, prays for an Order pursuant to Rule 15(d) of the Federal Rules of Civil Procedure, granting him leave to supplement the pleading; and For an Order pursuant to Rule 12(a) (1) of the Federal Rules of Civil Procedure ordering the defendants and or their counsel to answer the supplemental complaint; and For Such Other and Further Relief as this Court Deems Just And Proper.

Dated: April 2, 2007  
Alden, N.Y.

Respectfully Submitted,



Matthew John Matagrano

Plaintiff Pro-Se

#04A5883

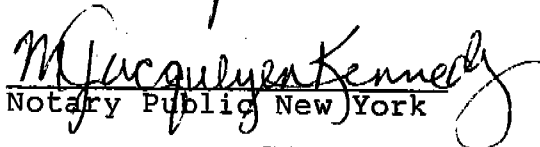
Wende Correctional Fac.

Po. Box. 1187

Alden, New York 14004-1187

Sworn to before me this

2 day of April, 2007

  
Notary Public New York

M. JACQUELYN KENNEDY  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires Feb 9, 2010

- 05 cv 1459 (DNH) (RFT)

AFFIRMATION OF  
SERVICE

I, Matthew John Matagrano, declare under the penalties of perjury that:

I am over 18 years of age and reside at the Wende Correctional Facility, located at 3040 Wende Rd. Po. Box 1187.

On the 20th day of April, 2007, I placed and submitted a true and exact copy of:

NOTICE OF MOTION TO SUPPLEMENT THE PLEADING

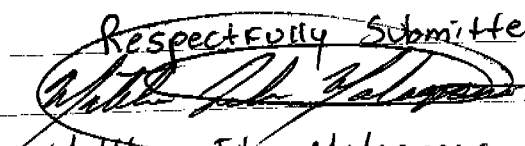
; AFFIDAVIT IN SUPPORT; AND SUPPLEMENTAL COMPLAINT

in a properly sealed post paid envelope, and deposited same in an official depository under the exclusive care and control of the United States Postal Services, within the State of New York Department of Correctional Services addressed to the attorney of service for the defendants at:

Senta B. Siuda  
Assistant Attorney General  
Syracuse Regional Office  
615 Erie Blvd, West. Suite 102  
Syracuse, N.Y. 13204

I declare pursuant to 28 U.S.C. Section 1746 that the foregoing is true under the penalties of perjury.

Dated: April 20, 2007  
Alden, N.Y.

Respectfully Submitted,  
  
Matthew John Matagrano  
Plaintiff Pro-Se